

Frequently Asked Questions about Radiation Exposure in Guam

What is the Radiation Exposure and Compensation Act (RECA)?

On October 15, 1990, the Radiation Exposure Compensation Act (RECA, Public Law 101-426), was enacted to authorize compassionate payments to individuals who contracted certain cancers and other serious diseases as a result of their exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines.

Congress amended RECA with the enactment of the "Radiation Exposure Compensation Act Amendments of 2000," on July 10, 2000 ([Public Law 106-245](#)).

There are now five authorized categories of claimants: uranium miners, uranium millers, ore transporters, downwinders, and onsite participants. Each category requires similar eligibility criteria: exposure to radiation *and* existence of a compensable disease. Claimants are considered on a case-by-case basis by the Justice Department's Radiation Exposure Compensation Program in accordance with [Federal regulations](#).

What is the Radiation Exposure Compensation Program (RECP)?

The U.S. Department of Justice's [Radiation Exposure Compensation Program](#) (RECP) was established by Congress through RECA to administer the claims process. The Justice Department is mandated to resolve claims in a reliable, objective, and non-adversarial manner, with little administrative cost to the United States or to the person filing the claim.

What is the Committee to Assess the Scientific Information for the Radiation Exposure Screening and Education Program?

In September 2002, through passage of a Supplemental Appropriations Act (Public Law 107-206), Congress directed the National Research Council (NRC) of the National Academies to review and make recommendations on whether other classes of individuals or additional geographic areas other than those currently established through RECA should be covered under the RECP. The NRC's [Board on Radiation Effects Research](#) (BRER), mandated by Congress to assess the recent biologic, epidemiologic, and related scientific evidence associating radiation exposure with cancers or other impacts on human health, has undertaken this work and will be making recommendations to the Health Resources and Services Administration (HRSA). The Committee's report to HRSA is expected in March 2005. HRSA is then required to submit the report to Congress by June 30, 2005.

What is being done to address concerns over radiation exposure in Guam?

Congresswoman Madeleine Bordallo has met with and submitted testimony requesting that the BRER Committee consider Guam in fulfilling its Congressional mandate to “recommend other classes of individuals or additional geographic areas” to be covered under RECA. Because Congress will base future decisions affecting RECA on this Committee’s recommendations, this is the appropriate step to take to address concerns over radiation exposure in Guam. Future legislation will be based in large part on this Committee’s final report. Mr. Robert Celestial, President of the Pacific Area Radiation Survivors (PARS), has also submitted testimony to this Committee and Senator Carmen Fernandez has presented this Committee with a Resolution of the Guam Legislature requesting that Guam be included in RECA.

To what extent has Guam been exposed to radiation from U.S. nuclear testing in the Pacific?

This is a question that the BRER Committee is taking into serious consideration. Although it is clear that Guam has been exposed to radiation from nuclear tests in the Pacific and global fallout, the extent of this exposure and its affects on the health and environment of Guam are not clear. Two separate studies, one conducted by the 26th Guam Legislature’s Blue Ribbon Panel on Radioactive Contamination in Guam and one conducted by Lawrence Livermore National Laboratory, have arrived at two different conclusions on this question. Congresswoman Bordallo has asked the Committee to make an independent assessment of the levels of radiation Guam has been exposed to and appropriately address this important question.

What about the decontamination of Navy ships in Guam?

Congresswoman Bordallo has also raised concerns regarding the decontamination of Navy ships in Guam that were exposed to radiation from Pacific nuclear testing. Her inquiries to the Department of Defense (DoD) have yielded information from the Defense Threat Reduction Agency (DTRA) of Navy ships that were decontaminated in Guam following exposure to radiation from Pacific nuclear testing. Although routine quarterly environmental samples conducted by the Navy in their Historical Radiological Assessment of Apra Harbor Naval Complex reveal no elevated radioactivity levels in the sediment or water of the harbor, this newly compiled information means there may be individuals who participated in the decontamination of ships in Guam that are eligible for compensation through the Radiation Exposure Compensation Program.

What are the guidelines for eligibility for compensation in relation to the decontamination of military craft?

Congresswoman Bordallo made a request to the Department of Justice to clarify eligibility related to the decontamination of military craft. DOJ’s response cites federal regulations related to exposure to radiation *and* the existence of a compensable disease as the criteria for eligibility and compensation.

A. Exposure: To establish “onsite participation,” an individual must demonstrate physical presence at “any designated location within a Naval Shipyard, Air Force Base, or other official government installation where ships, aircraft, or other equipment used in an atmospheric nuclear detonation were decontaminated” [28 CFR 79.11(f)(5)].

Furthermore, the individual must establish that he or she was a member of the armed forces or an employee or contract employee of the Department of Energy. Finally, the individual must have been a “participant” in the decontamination.

B. Existence of Disease: Specified compensable diseases include: leukemia (other than chronic lymphocytic leukemia), lung cancer, multiple myeloma, lymphomas (other than Hodgkin's disease), and primary cancer of the thyroid, male or female breast, esophagus, stomach, pharynx, small intestine, pancreas, bile ducts, gall bladder, salivary gland, urinary bladder, brain, colon, ovary, or liver (except if cirrhosis or hepatitis B is indicated).

To date, no claims have been filed from individuals who were exposed as onsite participants to radiation from the decontamination of ships in Guam. If an individual believes they may be eligible for compensation under this provision, they are encouraged to file a claim.

How can I file a claim if I believe I may be eligible for compensation?

To file a claim as an “onsite participant,” an individual must complete a claim form and submit it to the Radiation Exposure and Compensation Program at the following address.

Radiation Exposure and Compensation Program
U.S. Department of Justice
P.O. Box 146
Ben Franklin Station
Washington, D.C. 20044-0146

Claims may also be obtained by writing the above address, calling 1-800-729-7327, visiting the RECP website (<http://www.usdoj.gov/civil/torts/const/reca/claimform.htm>). For additional information, you may also call Congresswoman Madeleine Bordallo's District Office at 477-4272.

All individuals are considered on a case-by-base basis according to established federal regulations. Claims are based on individuals, not geographic areas or population groups.

Will the BRER Committee conduct a hearing in Guam?

The BRER Committee has no plans at this time to conduct a hearing in Guam.